

AND NOW, this ____ day of _____, 2024, it is hereby ORDERED that Secretary Schmidt's Motion to Dismiss the Amended Petition is GRANTED. It is further ORDERED that all claims against Al Schmidt, in his official capacity as Secretary of the Commonwealth, are hereby DISMISSED.

J.

Defendant Al Schmidt, in his official capacity as Secretary of the Commonwealth, (“Sec. Schmidt”), by and through the Office of General Counsel, hereby moves to dismiss the Petition for Relief in the Form of an Amended Writ of Mandamus (“Amended Petition,” ECF No. 12) pursuant to Federal Rule of Civil Procedure 12(b)(1), 12(b)(6), and/or 15. Sec. Schmidt will file a brief in support of this motion within 14 days in accordance with Local Rule 7.5.

Wherefore, Sec. Schmidt moves to dismiss all claims against him in the Amended Petition.

Date: September 9, 2024

Respectfully submitted,

JENNIFER C. SELBER
GENERAL COUNSEL

By: /s/ Stephen R. Kovatis
STEPHEN R. KOVATIS
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CERTIFICATE OF NONCONCURRENCE

Pursuant to Local Rule 7.1, I certify that I sought concurrence from counsel for Plaintiffs in the above motion. Plaintiffs do not concur in this motion.

Date: September 9, 2024

By: /s/ Stephen R. Kovatis
STEPHEN R. KOVATIS

CERTIFICATE OF SERVICE

I, Stephen R. Kovatis, hereby certify that I have caused all parties to be served on this day with the foregoing Motion to Dismiss via the Court's ECF system.

Further, Defendants Merrick Garland and the United States Department of Justice will be served via U.S. Mail at the address listed on the Complaint:

950 Pennsylvania Avenue NW
Washington, DC 20530

Date: September 9, 2024

By: /s/ Stephen R. Kovatis
STEPHEN R. KOVATIS